

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG-CHARLOTTESVILLE DIVISION**

In re:

FRANK THOMAS DOMBROWSKI,

CHAPTER 13

Debtor.

CASE NO. 07-61223-WA3-13

SUNTRUST MORTGAGE, INC.,

Plaintiff.

vs.

PAMELA S. DOMBROWSKI, Co-Debtor,

Defendant.

**MOTION FOR RELIEF FROM CO-DEBTOR
STAY PURSUANT TO 11 U. S. C. 1301 (c) (3)**

TO: PAMELA S. DOMBROWSKI

IF YOU DO NOT WISH THE COURT TO GRANT THE RELIEF SOUGHT IN THE MOTION, OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE MOTION, THEN WITHIN TWENTY (20) DAYS FROM THE DATE OF SERVICE OF THIS MOTION, YOU MUST FILE A WRITTEN RESPONSE EXPLAINING YOUR POSITION WITH THE COURT AND SERVE A COPY ON THE MOVANT. UNLESS A WRITTEN RESPONSE IS FILED AND SERVED WITHIN THIS TWENTY (20) DAY PERIOD, THE COURT MAY DEEM OPPOSITION WAIVED, TREAT THE MOTION AS CONCEDED, AND ISSUE AN ORDER GRANTING THE REQUESTED RELIEF WITHOUT FURTHER NOTICE OR HEARING.

IF YOU MAIL YOUR RESPONSE TO THE COURT FOR FILING, YOU MUST MAIL IT EARLY ENOUGH SO THE COURT WILL RECEIVE IT ON OR BEFORE THE EXPIRATION OF THE TWENTY (20) DAY PERIOD.

The Motion of SunTrust Mortgage, Inc., by Counsel, hereby moves the Court for relief from the automatic stay and in support thereof represents unto the Court:

1. This Court has Jurisdiction over this proceeding pursuant to 28 U. S. C. Sections 157 and 1334 and 11 U. S. C. 362 (d) and U.S.C. 1301 (c) (3), and that this matter is a core proceeding.
2. The Debtor filed a Petition under Chapter 13 of the Bankruptcy Code on July 3, 2007.

3. The Debtor and the Co-Debtor are the owners of the real property located at 206 Great Run Lake, Radiant, VA 22732, which property is described as:

ALL THAT CERTAIN LOT OR PARCEL OF LAND WITH ALL IMPROVEMENTS THEREON AND APPURTENANCES THEREUNTO LYING AND BEING SITUATE IN THE LOCUST DALE MAGISTERIAL DISTRICT OF MADISON COUNTY, VIRGINIA, OFF STATE ROUTE 696, DESIGNATED AS LOT 2, CONTAINING 10.249 ACRES, MORE OR LESS, AS SHOWN AND DESCRIBED ON A PLAT OF SURVEY BY BRUCE W. PARKER, L.S., DATED AUGUST 8, 1996, RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF MADISON COUNTY IN PLAT BOOK 21, PAGE 34; REFERENCE TO SAID PLAT IS MADE FOR A MORE COMPLETE AND PARTICULAR METES AND BOUNDS DESCRIPTION OF PROPERTY HEREIN CONVEYED. TAX MAP PARCEL DESIGNATION IN SAID COUNTY IS 58-9H.

4. Plaintiff is the holder of a certain Deed of Trust Note dated June 24, 2003, which Note is secured by a Deed of Trust of even date therewith and duly recorded.

5. That the account is in arrears for 6 monthly mortgage installments. The approximate reinstatement through August, 2007, is \$11,751.38, calculated as follows:

1 monthly payment (02/07) @ \$1,567.98/month	\$ 1,567.98
6 monthly payments (03/07-08/07) @ \$1,525.26/month	9,151.56
Accrued post-petition late charges	381.84
Bankruptcy fees and costs	<u>650.00</u>
Total	\$ 11,751.38

6. The unpaid principal balance due on said note is \$135,868.19, and the present approximate payoff balance is \$146,775.00.

7. It is the opinion of the Plaintiff that the Debtor is financially unable to maintain said obligation and that Plaintiff will suffer irreparable injury, loss and damage if it is not permitted to foreclose upon its security interest; otherwise Plaintiff is without adequate protection.

8. Debtor's Chapter 13 Plan filed July 27, 2007, and dated July 26, 2007, indicates surrender of the property.

WHEREFORE, Plaintiff prays that it be granted relief from the provisions of the automatic stay with regard to the said real property in order to pursue its rights pursuant to the terms of the Note and Deed of Trust, to include the initiation of Foreclosure proceedings, and further requests that the ten (10) day stay be waived incident to any Order entered incident to the Motion for Relief herein.

SUNTRUST MORTGAGE, INC.

By: **/s/ERIC DAVID WHITE**

Of Counsel

Samuel I. White, P. C.

Eric David White, Esquire, VSBN 21346

Michael T. Freeman, Esquire, VSBN 65460

1804 Staples Mill Road, Suite 200

Richmond, VA 23230

CERTIFICATE

I hereby certify that a true copy of the foregoing Motion for Relief was served by regular mail or email this 10th day of August, 2007, on all necessary parties including H. David Cox, Esquire, Counsel for Debtor, 900 Lakeside Drive, Lynchburg, VA 24501; and Pamela S. Dombrowski, Co-Debtor, 206 Great Run Lane, Radiant, VA 22732.

/s/ERIC DAVID WHITE

Samuel I. White, P. C.